

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 20, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MUHAMMAD HARIS TARIQ,

Plaintiff,

v.

STATE OF WASHINGTON and
YAKIMA COUNTY,

Defendants.

No. 2:22-cv-00120-TOR

ORDER DISMISSING ACTION

By Order filed August 9, 2022, the Court directed Plaintiff Muhammad Haris Tariq, a pretrial and civilly committed detainee currently housed at Eastern State Hospital, to file a civil rights complaint within thirty (30) days if he intended to proceed with this action. ECF No. 10 at 9–12. The Court cautioned Plaintiff that if he failed to comply with this directive, the action would be dismissed. *Id.* at 10, 12. Plaintiff has filed nothing further in this action.

For the reasons set forth above and in the Court’s prior Order, **IT IS
HEREBY ORDERED:**

ORDER DISMISSING ACTION--1

1 1. The First Amended Complaint, ECF No. 9, is **DISMISSED without**
2 **prejudice** for failure to state a claim upon which relief may be granted.


3 2. Based on the Court's reading of *Washington v. Los Angeles County*
4 *Sheriff's Department*, 833 F.3d 1048, 1057–58 (9th Cir. 2016), this
5 dismissal will NOT count as a “strike” under 28 U.S.C. § 1915(g).

6 3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of
7 this Order would not be taken in good faith.

8 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
9 enter judgment, provide copies to Plaintiff at his last known address, and **CLOSE**
10 the file.

11 **DATED** this 20th day of September 2022.




THOMAS O. RICE
United States District Judge